



Erin O'Leary
77 Water Street, Suite 2100
New York, New York 10005
Erin.OLeary@lewisbrisbois.com
Direct: 212.232.1408

November 18, 2024

File No. 48120.42

VIA ECF

Magistrate Judge Ona T. Wang
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Yitzhak et al v. Verner et al
SDNY Case No.: 1:23-cv-02084

Dear Magistrate Wang:

Our office represents Defendants Paul William Verner, Verner and Simon, LLP, Verner and Simon, Verner and Simon, P.C. ("Defendants") with respect to the above-referenced matter. We write in opposition to plaintiff's letter motion to strike defendant's answer due to alleged failure to comply.

Counsel is well aware as to why I was unable to meet and confer and provide supplemental responses by the deadline. Indeed, I advised counsel in advance that I was having a medical procedure on 10/28/24 and would not be able to meet and confer until after 10/29/24. Unfortunately, at the hospital, I contracted COVID for the first time and was very ill for nearly two weeks. While at home and sick, I emailed counsel again explaining that I was not able to meet and confer and was out of work due to COVID. I optimistically proposed a meet and confer on 11/12/24, but was unable to meet as I still had not recovered.

Given the circumstances, I expected that counsel would have been flexible with the deadline and as such did not contact the court for a formal extension as fact discovery was based on rolling production and extended to December 6, 2024 without prejudice to further extension. Clearly, I should have. Accordingly, I respectfully request that plaintiff's motion be denied in its entirety. I am available to meet and confer with counsel this week and will advise counsel of times.

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We thank the Court for its time and consideration to this matter.

Respectfully submitted,

Erin O'Leary

Erin O'Leary of LEWIS BRISBOIS
BISGAARD & SMITH LLP

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cc: *All counsel of record*